

**COMMONWEALTH OF MASSACHUSETTS**  
**State Building Code (780 CMR) Appeals Board**  
**Board's Ruling on Appeal<sup>1</sup>**

**Docket No. 08-645**

Appellant(s): Michael Rzeznik

vz. Appellee(s): City/Town of Braintree  
Russell Forsberg

**Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 402.1, for the South Shore Plaza, 250 Granite Street, Braintree, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 2, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

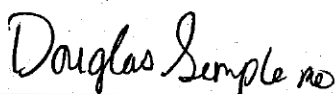
The Appellant appeared for the hearing *pro se*. Russ Forsberg from the Braintree Building Department and others were present as well as shown on the sign in sheet that is on file with the Department of Public Safety.


**Discussion**

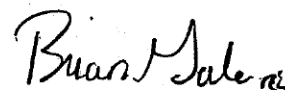
A motion was made to grant the Appellant's request for a variance from 780 CMR 402.1, and allow the smoke control design of the addition to the South Shore Plaza to comply with the 5<sup>th</sup> edition of 780 CMR. Testimony revealed that both the Braintree Building and Fire Departments were not opposed to the granting of the motion and that significant hardship would be imposed if the entire mall were to comply with the smoke control requirements of the 6<sup>th</sup> edition. The motion also noted that the addition was a small percentage (~10%) of the overall size of the mall. There was a second on the motion and a board vote was taken, which was unanimous.

**Conclusion**

**The Appellant's request for a variance from 780 CMR 402.1, is hereby granted and so ordered<sup>2</sup> on this date: October 2, 2008.**

  
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Douglas Sample

  
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Jacob Nunnemacher

  
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Brian Gale

<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

<sup>2</sup> In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.